



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,137	03/12/2004	Gregory James Newell	GJN-01	7893

7590

12/07/2005

John R. Flanagan
P.O. Box 2629
Eugene, OR 97402

EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,137	Applicant(s) NEWELL ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/19/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 20-26 and 30 is/are rejected.
- 7) ☒ Claim(s) 8-12 and 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a first action on the merits of application 10/799137.

Election/Restrictions

2. The restriction filed 8/19/2005 is hereby withdrawn. All original claims filed 3/12/2004 will be examined.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: R (fig.4)

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. As provided in 37 CFR 1.77(b), each heading in the specification of a utility application should appear in upper case, without underlining or bold type, as a section heading.

Claim Objections

5. Claims 1,6,14,20, are objected to because, as provided in 37 CFR 1.75(i), each element or step of the claim should be separated by a line indentation.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the holes". There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "said first sector" and "said second sector". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 20-23 (see ¶5,14) are rejected under 35 U.S.C. 102(b) as being anticipated by the Goldstein USP 4,767,480.

Regarding claim 20, Goldstein discloses a similar tread comprising:

- a discontinuous annular body (46) having a ring-shaped configuration and made of a resilient pliable stretchable deformable material, said annular body having cylindrical outer and inner peripheral surfaces spaced apart from one another and leading and trailing ends respectively with mateable female (18) and male surfaces (64) thereon of non-planar complementary configurations forming a discontinuous non-planar join through said annular body between said outer and inner surfaces thereof, said non-planar mateable female and male surfaces on said leading and trailing ends of said annular body being capable of interfitting with one another and thereby tending to interlock said leading and trailing ends together (fig.19) (C1/L14-42, C11/L41-43)
- a plurality of elements (38) formed on said annular body

Regarding claim 21, Goldstein further discloses the tread wherein said non-

planar mateable female and male surfaces respectively on said leading and trailing ends of said annular body of said tread have complementary female and male zigzag configurations (fig.19).

Regarding claim 22, Goldstein further discloses the tread wherein said non-planar mateable female and male surfaces respectively on said leading and trailing ends of said annular body of said tread have complementary female and male V-shaped configurations (fig.19).

Regarding claim 23, Goldstein further discloses the tread wherein said annular body includes a tread portion and a spline portion integrally connected to a bottom central region of said tread portion and projecting inwardly therefrom, said non-planar mateable female and male surfaces being defined on both said tread portion and spline portion of said annular body at said leading and trailing ends thereof (fig.19).

10. Claims 24-26 (see ¶14) are rejected under 35 U.S.C. 102(a) as being anticipated by the non-patent literature submitted in the instant application.

Regarding claim 24, the non-patent literature prior art in the instant application discloses a similar tread for a rotatable feed wheel, comprising:

- a) a tread including a discontinuous annular body having a ring-shaped configuration and made of a resilient pliable stretchable deformable material, said annular body further having opposing leading and trailing ends with mateable surfaces of complementary configurations defined respectively on said leading

and trailing ends and forming a discontinuous join through said annular body
(page 3,4)

- b) a plurality of locking lugs formed on said annular body at said inner peripheral surface thereof and projecting inwardly therefrom, said plurality of locking lugs including first and second locking lugs respectively on said leading and trailing ends of said annular body and being reversely angularly displaced relative to one another away from said respective first and second radial lines extending from said axis of rotation through said first and second locking lugs of said annular body (page 3,4)

Regarding claim 25, the non-patent literature prior art in the instant application further discloses said plurality of locking lugs on said annular body also including a third locking lug disposed on said annular body opposite from said first and second locking (page 4).

Regarding claim 26, the non-patent literature prior art in the instant application further discloses the tread wherein each of said locking lugs is of cylindrical configuration (page 4).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-7 (see ¶14), as best understood by the examiner (see ¶5,7), are rejected under 35 U.S.C. 103(a) as being unpatentable over the non-patent literature prior art submitted in the instant application in view of Linder EP 315754 A2.

Regarding claim 1, the non-patent literature prior art submitted with the instant application discloses a similar rotatable feed wheel comprising:

- a hub including a rigid body having a cylindrical shape relative to an axis of rotation through said rigid body and an external peripheral surface about said rigid body (inherent from page 3, see MPEP 2112)
- a tread including a discontinuous annular body having a ring-shaped configuration and made of a resilient pliable stretchable deformable material (page 4)
- said hub and tread further including respective elements cooperating together (locking lugs of tread and corresponding recesses in hub) (page,3,4)

The non-patent literature does not expressly disclose the annular body further having opposing leading and trailing ends with mateable female and male surfaces of complementary non-planar configurations defined respectively on said leading and trailing ends and forming a discontinuous non-planar join through said annular body.

Linder teaches the annular body further having opposing leading and trailing ends with mateable female (32) and male (31) surfaces of complementary non-planar configurations defined respectively on said leading and trailing ends and forming a discontinuous non-planar join through said annular body (fig.4) for the purpose of locking and easily dismounting for replacement purposes (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the annular body of the tread with leading and trailing ends with mateable female and male surfaces of complementary non-planar configurations defined respectively on said leading and trailing ends and forming a discontinuous non-planar join through said annular body, as taught by Linder, in the device of the non-patent literature, for the purpose of locking and easily dismounting for replacement purposes.

Regarding claims 2 and 3, the non-patent literature discloses all the limitations of the claim, but does not expressly disclose the mateable female and male surfaces respectively on said leading and trailing ends of said annular body of said treat have complementary female and male zigzag or V-shaped configurations.

Linder teaches mateable female and male surfaces respectively on said leading and trailing ends of said annular body of said treat have complementary female and male zigzag and V-shaped configurations (fig.4) for the purpose of locking and easily dismounting for replacement purposes (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ complementary female and male zigzag and V-shaped configurations

on said leading and trailing ends of said annular body as mateable female and male surfaces, as taught by Linder, in the device of the non-patent literature, for the purpose of locking and easily dismounting for replacement purposes.

Regarding claim 4, the non-patent literature further discloses the feed wheel wherein said respective cooperating elements of said hub are a plurality of holes defined in said rigid body and being open at said external peripheral surface thereof (page. 3,4).

Regarding claim 5, the non-patent literature further discloses the feed wheel wherein each of the holes is of cylindrical configuration (page 3,4).

Regarding claim 6, the non-patent literature further discloses the feed wheel wherein said respective cooperating elements of said tread are a plurality of locking lugs formed on and protruding inwardly of said annular body, said locking lugs having configurations complementary to configurations of said holes of said hub (page 3,4).

Regarding claim 7, the non-patent literature further discloses the feed wheel wherein each of the locking lugs is of cylindrical configuration (page 3,4).

13. Claim 13 (see ¶14), as best understood by the examiner (see ¶15), is rejected under 35 U.S.C. 103(a) as being unpatentable over the non-patent literature prior art submitted in the instant application in view of Linder EP 315754 A2 in further view of Ariga GB 2132737.

The non-patent literature discloses all the limitations of the claim (see ¶19) but does not expressly disclose the feed wheel wherein said tread includes at least a recess

circumferentially located about said tread and formed to a preselected depth in said outer peripheral surface of said tread.

Ariga teaches a tread including at least a recess (58) circumferentially located about said tread and formed to a preselected depth in said outer peripheral surface of said tread (fig.1) for the purpose of allowing partial corrugation of conveyed paper (P4/L21-38).

Examiner's Note

14. The applicant appears to be attempting to use means plus function in claims 1,9,10,12-15,17,19,20,24,25. Does the applicant intend to invoke 35 USC 112 6th paragraph? The examiner will interpret these claims as to not invoking 35 USC 112 6th paragraph. See MPEP 2114 and 2181.

Claim 28 has properly invoked 35 USC 112 6th paragraph and will be examined accordingly.

Inherency is based on the pictures and text submitted in the prior art submitted with the instant application entitled "Background to the Invention". See MPEP 2112.

Allowable Subject Matter

15. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-19 would be allowable if rewritten or amended to overcome the claim 14 objection (see ¶15) set forth in this Office action.

Claims 27-29 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the details of the "first and second holes disposed in a side-by-side closely spaced apart relation to one another and being reversely angularly displaced relative to one another away from respective first and second radial lines extending from said axis of rotation through said first and second holes of said rigid body" appear to be novel.

Claim 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion


16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
11/17/2005


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER